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Hill, Michael R., "The Intellectual Context of Émile Durkheim's Review of George Elliott Howard's American Institutional Perspective on Marriage and Divorce" (2000). *Sociology Department, Faculty Publications*. 384.

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Hill, Michael R. 2000. "The Intellectual Context of Émile Durkheim's Review of George Elliott Howard's American Institutional Perspective on Marriage and Divorce." *Sociological Origins* 2 (Winter): 75-80.

A SYMPOSIUM ON GEORGE ELLIOTT HOWARD'S *HISTORY OF MATRIMONIAL INSTITUTIONS*

The Intellectual Context of Émile Durkheim's Review of George Elliott Howard's American Institutional Perspective on Marriage and Divorce¹

Michael R. Hill

ARGUABLY THE MOST IMPORTANT work produced within the Nebraska tradition of sociology is George Elliott Howard's (1904) massive *History of Matrimonial Institutions*. The work was widely read, much admired, and warmly critiqued—and it influenced the shape of divorce law reform in the United States of America. Howard's *magnum opus* was reviewed by the well-known French sociologist, Émile Durkheim, in *L'année sociologique* in 1906—an event that should have guaranteed for Howard a more prominent place in the pantheon of sociological founders. This essay documents the special uniqueness of Durkheim's review and notes the curious neglect of the review by subsequent chroniclers of the history of sociology.

Émile Durkheim reviewed very few English-language books during the early years of *L'année sociologique*. When it came to books written by Americans, Durkheim became selective in the extreme. Thus, to better assess the significance of Durkheim's review of Howard's work, it is crucial to ask: What American works *did* Durkheim review?² Taking to heart Harriet Martineau's (1838: 73) astute dictum that, "The eloquence of Institutions and Records . . . is more comprehensive and more faithful than that of any variety of individual voices," I reconstructed a catalogue of works published in the United States—in English—that Durkheim studied and reviewed for his famous yearbook, *L'année sociologique*.

Taking the reviews actually published in *L'année sociologique* as our Martineauian record, we can see directly what factual patterns are revealed, a procedure that Martineau would surely approve, and one with which empiricist Durkheimians can hardly disagree. The temporal framework for this examination includes nine volumes of *L'année sociologique*, from the inaugural issue, in 1896, to the volume for 1904-1905. 1905 signaled the formalization of the ASS/ASA and it was in 1904 that Howard's (1904) *History of Matrimonial Institutions* appeared on the intellectual scene. I am especially interested in Howard's *magnum opus*, and it is for this practical reason that the present survey of *L'année sociologique* stops with the installment for 1904-1905 (volume nine, published in 1906).

Here, briefly, are the facts. From 1896 to 1905, 589 reviews of English-language items appeared in *L'année sociologique*—an impressive number. But, of these, 280 were short notices, typically unsigned, consisting of sometimes only a few words of annotation to, on other occasions, a paragraph or as much as a full page of comment. The remaining 309 reviews, typically signed, are here termed "major reviews" and each consists typically of one to several pages of commentary and discussion. The chronologically-arranged bibliography of these 589 reviews, annotated with the reviewer's name (when signed) and the page and

¹ Presented to the American Sociological Association annual meeting, Section on the History of Sociology, Mini-Conference on "The Impact of American Sociology around the World," Chicago, Illinois, 19 August 2002.

² A complete compendium—in the original French—of Durkheim's essays and reviews from *L'année sociologique* is conveniently provided in Duvignaud (1969) for scholars who lack ready access to a complete run of *L'année sociologique*.

volume number of *L'année sociologique* in which each review appeared, results in a 50-page document (Hill 2002).¹

The English-language materials to which Durkheim himself gave particular regard are of special interest. Of the 309 signed (or clearly attributed) major reviews of English-language materials, the lion's share were completed not by Durkheim, but by his nephew, Marcel Mauss. Mauss wrote 108 reviews (35%), H. Hubert wrote 63 (20%), François Simiand 33 (11 %), and Durkheim 32 (10%). Of the 32 reviews that Durkheim wrote, some 22 were for items published in the United States, but of these, *only three were full-length books*, specifically:

WEBER, Adna Ferrin. *The Growth of Cities in the Nineteenth Century: A Study in Statistics*. New York: Macmillan; London: King, 1899. *L'année sociologique* (4): 577-582.,

MIELZINER, M. *The Jewish Law of Marriage and Divorce in Ancient and Modern Times*. New York: Bloch, 1901. *L'année sociologique* (8): 419-421, and

HOWARD, George Elliott. *A History of Matrimonial Institutions*. 3 vols. Chicago: University of Chicago Press and Callaghan & Company; London: T. Fisher Unwin, [1904]. *L'année sociologique* (9): 384-392.

Of the men on this short but distinguished list, only *one* may justly be called a full-fledged sociologist. Adna Weber was primarily an economist and statistician, and Moses Mielziner was a rabbi and Talmudic scholar. Howard started academic life as an historian in an era wherein there were no formal departments of sociology, but he always emphasized the study of institutional patterns and eventually became identified as a sociologist. Soon after publishing *A History of Matrimonial Institutions*, Howard became chair of the Department of Sociology at the University of Nebraska and was subsequently elected president of the American Sociological Society (now the American Sociological Association).

In sum, during the first nine years of *L'année sociologique*—that is to say, during the intellectually important flowering of American sociology and the founding era of the American Sociological Society—Durkheim selected only *three* book-length social scientific works published in the United States for his personal attention, and only *one* of these—Howard's—was a decidedly sociological treatise.

HOWARD AND HIS *HISTORY OF MATRIMONIAL INSTITUTIONS*

The remainder of this essay briefly introduces Nebraska sociologist George Elliott Howard's 1904 extraordinary work, *A History of Matrimonial Institutions*, and its review by Émile Durkheim in volume nine of *L'année sociologique*. Readers desiring a more detailed discussion are advised to consult Michael R. Ball's (1988) instructive article. Howard's *History of Matrimonial Institutions* is one of the few major works by an American scholar, published in the United States, that Durkheim deemed sufficiently important to merit his personal attention and analysis during the early years of *L'année sociologique*. A haunting and curious point is that whereas Durkheim's name is a household word in the corridors of American sociology departments today, the few major American works to which he attended have largely slipped from the American sociological consciousness. This is particularly puzzling in Howard's case. The significance that Durkheim ascribed to Howard's massive institutional study of marriage and divorce is not echoed in today's historical accounts of the sociology of marriage as a collective intellectual project. Here, I paraphrase Mary Ann

¹ Copies of this machine searchable bibliography are available from the author on CD-ROM in Adobe Acrobat Reader (.pdf) format.

Lamanna (2002: 206), a senior sociologist at the University of Nebraska at Omaha, who recently considered the question: “‘Why is Durkheim’s family sociology not known?’”—by asking rather: Why is *Howard’s* sociology of the family not known, especially by American sociologists today? American sociologists *should* know Howard’s work—especially those sociologists who endow Durkheim’s scholarship with importance and gravity.¹

GEORGE ELLIOTT HOWARD: SOCIOLOGIST

To the extent that Durkheim was—and remains—well-known, American sociologists may nonetheless wonder: who was George Elliott Howard? Howard (1849-1928) was a pioneering American sociologist, educated in Nebraska and Germany, who taught primarily at Nebraska and Stanford Universities, and, briefly, at the University of Chicago (Frese 1999; Hertzler 1979; Hill 1989, 2000; Howard [1927] 1988; Todd 1929, 1932; Webster 1932). His *magnum opus*, a three volume study on the *History of Matrimonial Institutions* (Howard 1904) was a major influence on divorce law reform in the United States (“Dean Pound Tells of Divorce Congress—Dr. Howard’s Work” 1906; Ball 1988) and established the Nebraska tradition of research on marriage and family that continues, albeit in somewhat diminished form, to the present day. He was, as Arthur Todd (1929: 693) noted in the *American Journal of Sociology*, “. . . one of those great foundation stones of American social science, of the same large caliber as Sumner, Ward, . . . and Small.” Widely admired by his colleagues, Howard was elected president of the American Sociological Society for 1917. Todd (1929: 693) erred, however, in stating that Howard, “founded no new school, contributed no new system of sociology, did no heaven-storming stunts to gain the ears of men” In fact, Howard’s legacy is remarkable, profound, and pioneering.

In brief, Howard: (1) provided a major template for institutional analyses in sociology (Howard 1904, 1906, 1909, 1911, 1914, 1988); (2) he shaped a humane, socially responsible, and politically activist tradition adopted by many practicing sociologists (Vincent 1928; Williams 1928-29); and, (3) through his immediate and unwavering defiance of David Starr Jordan during the so-called “Ross affair” at Stanford in 1900-1901, he generated, together with Edward A. Ross, the pivotal event that led to the founding of the American Association of University Professors and the eventual establishment of tenure in American universities (Hill 1989, 1999). The latter incident was certainly no “stunt,” but it was nonetheless enormously consequential. Howard’s courageous action at a crucial moment when his academic rights were put to the test—resulting in his forced ouster from Stanford—if not “heaven-storming,” at least shook the scholarly and intellectual world in America to its very foundations.

DURKHEIM’S REVIEW OF HOWARD’S MAJOR WORK

Howard’s (1904) *History of Matrimonial Institutions* was at the time widely known and highly regarded. Despite its physical heft, detailed scholarship and decidedly academic tone (the bibliography alone runs to nearly 150 pages), it was favorably reviewed in hundreds of newspapers across the United States, and in several foreign papers as well. It was reviewed

¹ Academic studies of Durkheim’s intellectual corpus comprise a major industry in sociology. As a place to start, one can begin with Talcott Parsons’ (1968) brief survey. For two important new studies, see the recent work of Nebraska sociologist Jennifer M. Lehmann, *Durkheim and Women* (University of Nebraska Press 1994) and *Deconstructing Durkheim: A Post-Post Structuralist Critique* (Routledge 1995).

in numerous scholarly journals, including a notice in *The American Journal of Sociology* by William I. Thomas (1904).¹ Durkheim (1905) began his review with this summary:

This work is comprised of three parts. In the first, the author introduces and discusses the different theories that have been proposed on the origins of marriage (vol. I, p. 1-250). In the second, he retraces the history of that institution in England (vol. I, p. 253 to the end and vol. II, pp. 1-117). The third is devoted to marriage in the United States, and it is this third volume that establishes the unity of the work. The author's principal objective therein is to explain the manner by which matrimonial legislation has been established in the United States; but in that such legislation is and has been interdependent upon that of England, it was first necessary to study this formative influence on American marital convention. In fact, to clarify the nature of English matrimonial law itself, Mr. Howard judged it useful to proceed it with a general study of the primitive forms of marriage.²

In the remainder of his eight-page analysis, Durkheim provided a synoptic, sometimes critical, overview of Howard's main points, and concluded, overall, that, "The work of Mr. Howard thus constitutes a useful contribution to the problem of matrimonial formalism." Curiously, this important review of a book published by the University of Chicago press and written by an eminent scholar who subsequently became an ASS/ASA president, was inexplicably omitted from Yash Nandan's (1980) extensive compendium of translations of Durkheim's contributions to *L'année sociologique*. It may be that Howard, in moving his disciplinary identification from history to sociology has thus been ignored by subsequent historians and is not yet fully appreciated by sociologists. Edward Westermarck's earlier three-volume work, *The History of Human Marriage*, is still widely cited today, much more so than Howard's specifically sociological treatise. Westermarck, however, maintained his identification as an historian, and this apparently counts for something, at least among historians (and Nandan *does* include Durkheim's comments on Westermarck's studies of the family). Howard, however, deserves a closer look by sociological students of the family.

Hutton Webster (1904), a former student of Howard's who later came to occupy, at Nebraska, the first Chair of Social Anthropology in the United States, usefully noted the differences between Howard's and Westermarck's works:

In the three volumes which constitute this monumental work [i.e., Howard's] the learned author has provided the first adequate treatment of the history of human marriage. The field was an open one; for Westermarck's well-known study is confined chiefly to an examination of the forms of primitive marriage, and is not intended to present an historical treatment of the whole field of matrimonial institutions.³

¹ The full text of Thomas' review is reprinted below, this issue.

² Translated by D. Brian Mann. The full text of Professor Mann's translation of Durkheim's review appears below, this issue.

³ The full text of Webster's review is reprinted below, this issue.

As an institutional analyst, Howard provided a provocative model for sociological research,¹ one that Durkheim noted and appreciated—one that deserves far greater attention by disciplinary historians and family sociologists today.

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¹ See, for example, Lucile Eaves' autobiographical account of Howard's influence on the development of her sociological orientation, above, this issue.

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